IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO.137 OF 2006

Omprakash Motilal Heda .....Petitioner.

V/s

Commissioner - Malegaon
Municipal Corporation,
Malegaon & anr. .....
Respondents.

Ms. Usha Purohit for the Petitioner.

Mr. C.J. Sawant, Senior Counsel with Mr. S.M. Sabrad, for Respondent No.1.

Mr. P.M. Patil, AGP for Respondent No.2.

CORAM: **H.L. GOKHALE &**
V.M.KANADE, JJ.

DATE : **JANUARY 10, 2007**

P.C.

1. Heard Ms. Purohit, the learned Counsel appearing for the Petitioner in support of this Petition. Mr. Sawant, the

learned Senior Advocate, appears with Mr. Sabrad for Respondent No.1. Mr. P.M. Patil, the learned AGP appears for Respondent No.2.

2. By this Petition, Petitioner seeks to challenge the sanction given by the State Government to the 1st Respondent - Corporation to accept the bid lower than the upset price when the contract was awarded in favour of one Megha Enterprises. The grievance of the Petitioner is that this should not have been done. This is regarding awarding of contract pertaining to collection of octroi amounts by 1st Respondent - Municipal Corporation.

3. It is placed on record that three Petitions were filed by different parties to challenge the award of the tender. The second order passed in Writ Petition No. 4090 of 2005 stated that according to the Petitioner, the upset price of Rs 26.50 crores was on the higher side. The Division Bench specifically stated that the Corporation should take a realistic upset price. Now what has happened is that although the Corporation took a realistic view, appropriate

offer was not being made. Ultimately, they have accepted the offer of Megha Enterprises which is lesser than the offer but higher amongst all the various applicants and which is in the sum of Rs 27.27 crores. The State Government has approved this decision by its decision 26th September, 2006 after recording the past history. The contract is already awarded since October, 2006. There is no reason to interfere. Petition is dismissed.

(H.L. GOKHALE, J.)

(V.M. KANADE, J.)